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PATENT

Customer No. 22,852

Attorney Docket No. 03495-0213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FLAMAND et al.

Application No.: 09/980,839

Filed: December 7, 2001

For: EARLY DETECTION OF  
FLAVIVIRUS USING THE NS1  
GLYCOPROTEIN

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)  
) Group Art Unit: 1648  
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) Examiner: Stucker J.J.  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated May 7, 2003, Paper No. 7, the Examiner  
required restriction under 35 U.S.C. § 121 between:

- I. Claims 21-26 drawn to a method of detecting flaviviral infection, classified in class 435, subclass 5.
- II. Claims 27-30 and 38, drawn to a kit comprising antibodies and method of selecting diagnostic antibodies, classified in class 435, subclass 7.1.
- III. Claims 31-36, drawn to a method of purifying and NS1 protein, an immunogenic composition comprising NS1, and method of preparing an immunogenic composition comprising NS1 and a pharmaceutical vehicle, classified in class 435, subclass 70.21.
- IV. Claim 37, drawn to a method for producing antibodies for passive immunity, classified in class 424, subclass 147.1.

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- V. Claim 39, drawn to an immunogenic composition comprising a polynucleotide, classified in class 536, subclass 23.72.
- VI. Claim 40, drawn to a method of expressing a polynucleotide encoding NS1, classified in class 435, subclass 320.1.

Applicants provisionally elect to prosecute Group II, claims 27-30, and 38 drawn to a kit comprising antibodies and method selecting diagnostic antibodies.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 6, 2003

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